

ASSEMBLY BILL

No. 1952

Introduced by Assembly Members Niello and John A. Perez

February 17, 2010

An act to amend Section 12509 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1952, as introduced, Niello. Vehicles: instruction permit: motorcycle.

Existing law prohibits a person from driving a motorcycle, motor-driven cycle, or motorized bicycle upon a highway, unless the person holds a valid driver's license or endorsement for that class, with certain exceptions. Existing law allows a person, who is 15 years and 6 months or older, with a valid instruction permit and successful completion of automobile driver education and driver training, and a person who is 17 years and 6 months or older, with a valid instruction permit, to operate a motorcycle, motorized scooter, or motorized bicycle, with certain exceptions during hours of darkness, on freeways, and for carrying a passenger. Existing law provides that a person under 21 years of age may not be issued a class M1 or M2 license or endorsement, unless he or she provides evidence satisfactory to the Department of Motor Vehicles of completion of a specified motorcycle safety training program.

The bill would instead prohibit any person under 21 years of age from operating a motorcycle, motorized scooter, or a motorized bicycle unless he or she has a valid instruction permit and has successfully completed approved courses in automobile driver education and driver training, or has a valid driver's license, and has successfully completed a specified

motorcycle safety training program and obtained an M1 or M2 license or endorsement.

Because, under existing law, a violation of the Vehicle Code is a crime, this bill would impose a state-mandated local program by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12509 of the Vehicle Code is amended
2 to read:
3 12509. (a) Except as otherwise provided in subdivision (f) of
4 Section 12514, the department, for good cause, may issue an
5 instruction permit to ~~any~~ a physically and mentally qualified person
6 who meets one of the following requirements and who applies to
7 the department for an instruction permit:
8 (1) Is age 15 years and 6 months or older, and has successfully
9 completed approved courses in automobile driver education and
10 driver training as provided in paragraph (3) of subdivision (a) of
11 Section 12814.6.
12 (2) Is age 15 years and 6 months or older, and has successfully
13 completed an approved course in automobile driver education and
14 is taking driver training as provided in paragraph (3) of subdivision
15 (a) of Section 12814.6.
16 (3) Is age 15 years and 6 months and enrolled and participating
17 in an integrated *automobile* driver education and training program
18 as provided in subparagraph (B) of paragraph (3) of subdivision
19 (a) of Section 12814.6.
20 (4) Is over the age of 16 years and is applying for a restricted
21 driver's license pursuant to Section 12814.7.
22 (5) Is over the age of 17 years and 6 months.
23 (b) The applicant shall qualify for, and be issued, an instruction
24 permit within 12 months from the date of the application.

1 (c) An instruction permit issued pursuant to subdivision (a) shall
2 entitle the applicant to operate a vehicle, subject to the limitations
3 imposed by this section and any other provisions of law, upon the
4 highways for a period not exceeding 24 months from the date of
5 the application.

6 (d) Except as provided in Section 12814.6, a person, while
7 having in his or her immediate possession a valid permit issued
8 pursuant to paragraphs (1) to (3), inclusive, of subdivision (a), may
9 operate a motor vehicle, other than a motorcycle, motorized
10 scooter, or a motorized bicycle, when accompanied by, and under
11 the immediate supervision of, a California licensed driver with a
12 valid license of the appropriate class, 18 years of age or over whose
13 driving privilege is not on probation. ~~Except as provided in~~
14 ~~subdivision (e), an~~ An accompanying licensed driver at all times
15 shall occupy a position within the driver's compartment that would
16 enable the accompanying licensed driver to assist the person in
17 controlling the vehicle as may be necessary to avoid a collision
18 and to provide immediate guidance in the safe operation of the
19 vehicle.

20 ~~(e) A person, while having in his or her immediate possession~~
21 ~~a valid permit issued pursuant to paragraphs (1) to (3), inclusive,~~
22 ~~of subdivision (a), who is age 15 years and 6 months or older and~~
23 ~~who has successfully completed approved courses in automobile~~
24 ~~education and driver training as provided in paragraph (3) of~~
25 ~~subdivision (a) of Section 12814.6, and a person, while having in~~
26 ~~his or her immediate possession a valid permit issued pursuant to~~
27 ~~subdivision (a), who is age 17 years and 6 months or older, may,~~
28 ~~in addition to operating a motor vehicle pursuant to subdivision~~
29 ~~(d), also operate a motorcycle, motorized scooter, or a motorized~~
30 ~~bicycle, except that the person shall not operate a motorcycle,~~
31 ~~motorized scooter, or a motorized bicycle during hours of darkness,~~
32 ~~shall stay off any freeways that have full control of access and no~~
33 ~~crossings at grade, and shall not carry any passenger except an~~
34 ~~instructor licensed under Chapter 1 (commencing with Section~~
35 ~~11100) of Division 5 of this code or a qualified instructor as defined~~
36 ~~in Section 41907 of the Education Code.~~

37 (e) *A person, under 21 years of age shall not operate a*
38 *motorcycle, motorized scooter, or a motorized bicycle unless he*
39 *or she has a valid permit issued pursuant to subdivision (a) and*
40 *has successfully completed approved courses in automobile driver*

1 *education and driver training as provided in paragraph (3) of*
2 *subdivision (a) of Section 12814.6, or has a valid driver's license,*
3 *and has successfully completed a motorcycle safety training*
4 *program that is operated pursuant to Article 2 (commencing with*
5 *Section 2930) of Chapter 5 of Division 2 and obtained an M1 or*
6 *M2 license or endorsement pursuant to Section 12804.9.*

7 (f) A person, while having in his or her immediate possession
8 a valid permit issued pursuant to paragraph (4) of subdivision (a),
9 may only operate a government-owned motor vehicle, other than
10 a motorcycle, motorized scooter, or a motorized bicycle, when
11 taking a driver training instruction administered by the California
12 National Guard.

13 (g) The department may also issue an instruction permit to a
14 person who has been issued a valid driver's license to authorize
15 the person to obtain driver training instruction and to practice that
16 instruction in order to obtain another class of driver's license or
17 an endorsement.

18 (h) The department may further restrict permits issued under
19 subdivision (a) as it may determine to be appropriate to assure the
20 safe operation of a motor vehicle by the permittee.

21 SEC. 2. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.